HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.19002 of 2007

7.9.2007

Between

K.Shyam ..Petitioner

AND

Government of Andhra Pradesh represented by the Principal Secretary, Tribal Welfare Department and another ..Respondents

:: JUDGMENT ::

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.19002 of 2007

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Social Welfare.

The writ petitioner claims that he belongs to Yanadi community, which is recognized as Scheduled Tribe community. On that strength and basis, he claimed employment with the Government Undertaking – ECIL. When the District Collector, Rangareddy District has entertained an enquiry into the genuineness of the claim made by the writ petitioner, it resulted in a declaration that the writ petitioner does not belong to Yanadi Community and consequently, is not liable to be treated as a member belonging to Scheduled Tribe community. The District Collector passed orders through his proceedings dated 8.3.2004 canceling the social status certificate of the petitioner. Since an Appeal has been provided there against, in terms of Section 8 of the Andhra Pradesh Scheduled Castes, Scheduled Tribes and Backward Classes Regulation of Issue of Community Certificates Act, 1999, the writ petitioner had preferred an Appeal to the State Government on 20.8.2004. In fact, the State Government through its memo dated 18.11.2004 called for the para wise remarks from the District Collector, Rangreddy District. Thus, it is clear that the Appeal preferred by the writ petitioner is entertained and it is kept pending.

Since more than three years' time has elapsed from the date on which the Appeal has been preferred by the writ

petitioner, it is only appropriate that the State Government should deal with the same at the earliest. If the petitioner is found to be belonging to Scheduled Tribe, a quick disposal of the Appeal would only provide the necessary relief to him. On the other hand, if the petitioner is not found to be belonging to the Scheduled Tribe community, it would be imperative that he be not allowed to the benefits, which should ultimately reach only a Scheduled Tribe. Therefore, it also becomes necessary for the State Government to appropriately decide the claim of the writ petitioner. I therefore, direct the State Government to take up and decide the Appeal preferred by the writ petitioner on 20.8.2004 as expeditiously as possible, but however, the same be decided before 31.12.2007.

Status quo of the writ petitioner with reference to the orders passed by the District Collector be maintained till 31.12.2007.

With this, the writ petition is disposed of. No costs.

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NOOTY RAMA MOHANA RAO.J.

7.9.2007
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